

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Jack Rogers, *et al.*,

Plaintiffs,

v.

Comcast Corporation, *et al.*

Civil Action No. 04-10142 EFH  
The Honorable Edward F. Harrington

**DECLARATION OF DAVID WOODWARD IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS' MOTION FOR PROTECTIVE ORDER**

I, David Woodward, hereby declare as follows:

1. I am an attorney employed by Heins, Mills & Olson, P.L.C., counsel for Plaintiffs in the above captioned matter. This declaration is based on my personal knowledge.

2. On April 6, 2004, Plaintiffs served Defendants' counsel with a Notice of Rule 30(b)(6) Deposition to Defendants, as well as Plaintiffs' First Set of Document Requests to Defendants Relating to Defendants' Motion to Compel Arbitration and Plaintiffs' First Set of Interrogatories to Defendants Relating to Defendants' Motion to Compel Arbitration. The Notice of Rule 30(b)(6) Deposition to Defendants scheduled the deposition for April 20, 2004.

3. On April 1, 2004 and April 2, 2004, respectively, Plaintiffs served Defendants' counsel with similar arbitration-related discovery (document requests, interrogatories and a Rule 30(b)(6) deposition notice) in the putative class action cases filed in this Court and in the United States District Court for the Eastern District of Pennsylvania before the Honorable John R. Padova. *Martha Kristian, et al. v. Comcast Corp., et al.*, No. 03CV12466 EFH (D. Mass.); *Andrew Behrend, et al. v. Comcast Corp., et al.*, No. 03-6604 (E.D. Pa.). The Rule 30(b)(6) depositions in those cases were initially scheduled for April 20, 2004 and April 27, 2004, respectively.

4. At the request of Defendants' counsel, the Rule 30(b)(6) depositions in the above captioned action and the two other cases were rescheduled for May 13 and 14, 2004, in Philadelphia.

5. On May 12, 2004, Plaintiffs received Defendants' Motion for Protective Order in this matter and in the other two cases.

6. On May 12, 2004, I telephoned Defendants' counsel, including Mr. Jaime Bianchi, who informed me that defense counsel would instruct Defendants' Rule 30(b)(6) designees not to answer questions concerning topics objected to in Defendants' Motion for Protective Order papers and that the witnesses would not be able to answer such questions due to lack of personal knowledge. Plaintiffs canceled the depositions.

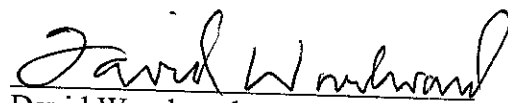
7. Beginning in January, 2004, Plaintiffs requested, and Defendants' counsel agreed to provide, copies of Defendants' current and previous "Policies and Practices" documents that Defendants maintain were provided to each of the named Plaintiffs in each of the above referenced cases, together with the dates such documents were provided to each of the named Plaintiffs. While eventually providing Plaintiffs' counsel with recent "Policies and Practices" documents containing arbitration provisions, Defendants have failed to produce previous "Policies and Practices" documents provided to the named Plaintiffs and the dates such document may have been provided to the named Plaintiffs. Copies of correspondence between counsel for the parties concerning this issue are attached as Exhibits A-J.

I declare under penalty of perjury under the laws of Minnesota that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of May, 2004 at Minneapolis, Minnesota.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on this date 5/17/04.

  
David Woodward

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to defendants' local counsel 